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C031449 THE PEOPLE v. VAUGHN (Not for Publication)
The judgment is affirmed.
MORRISON, J.

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C031711	THE PEOPLE v. BUATHIER The judgment is affirmed. MORRISON, J. We concur: Scotland, P.J. Blease, J.	(Not for Publication)
C029776	THE PEOPLE v. CHAPMAN Appellant's petition for rehearing is denied. BLEASE, Acting P.J.	

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SCOTLAND, P.J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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March 8, 2000

C028465 THE PEOPLE v. FOUNTAIN (Certified for Partial Publication)

The finding that defendant's prior juvenile adjudication for battery with serious bodily injury (§ 243(d)) constitutes a strike is reversed. The sentence imposed is vacated and the matter remanded to the superior court for further proceedings.

MORRISON, J.

We concur: Scotland, P.J.

Sims, J.

March 9, 2000

C033365 THE PEOPLE v. HERRIAGE (Not for Publication)

The judgment is affirmed.

RAYE, J.

We concur: Sims, Acting P.J.

Callahan, J.

C031989 THE PEOPLE v. COLEBANK (Not for Publication)

The judgment is modified to award defendant 114 days of conduct credit. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.

CALLAHAN, J.

We concur: Sims, Acting P.J.

Raye, J.

March 9, 2000 continued

**C029634 THE PEOPLE v. BISHOP et al. (Not for Publication)
C030462**

Defendants' convictions on count four are reversed. In all other respects, the judgments are affirmed. The trial court is directed to prepare amended abstracts of judgment and to forward certified copies to the Department of Corrections.

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RAYE, J.
We concur: Blease, Acting P.J.
Callahan, J.

**C026553
C026727**

THE PEOPLE v. LEWIS

THE PEOPLE v. JACKSON

(Not for Publication)

Jackson's conviction for violating Health and Safety Code section 11366 in case No. 95F8823 is reversed. In all other respects, the judgment against Jackson is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting this determination and to send a copy of the amended abstract to the Director of the Department of Corrections.

Lewis's conviction for violating Health and Safety Code section 11366 in case No. 95F8823 is reversed, and his five convictions in case No. 96F4425 for conspiring to possess drugs in jail (Pen. Code, §§ 182, 4573.8) are reversed. Because the trial court neglected to address the enhancement under Penal Code section 667.5, subdivision (b) for Lewis's Shasta County prison term, the sentence is vacated and the matter is remanded for resentencing. In all other respects, the judgment against Lewis is affirmed.

SCOTLAND, P.J.
We concur: Davis, J.
Hull, J.

C032942

THE PEOPLE v. MOORE

(Not for Publication)

The judgment is affirmed. The trial court is directed to correct the abstract of judgment and to forward a certified copy to the Department of Corrections.

RAYE, J.
We concur: Sims, Acting P.J.
Callahan, J.

March 9, 2000 continued

C027714

THE PEOPLE v. JACKSON

(Not for Publication)

The judgment is modified to reflect that defendant's conviction for violating Health & Safety Code section 11366 in case No. 95F8823 is reversed. As modified, the judgment is affirmed. This modification has

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no effect on defendant's aggregate term of imprisonment because the trial court sentenced her to a concurrent term for the Health and Safety Code section 11366 violation. The trial court is directed to prepare an amended abstract of judgment reflecting this modification, and to send a copy of the amended abstract to the Director of Corrections.

SCOTLAND, P.J.

We concur: Davis, J.
Hull, J.

C030136 CHETCUTI et al. v. DESMOND (Not for Publication)

The judgment is affirmed. Desmond's motion for sanctions for a frivolous appeal is denied.

BLEASE, Acting P.J.

We concur: Morrison, J.
Callahan, J.

C032868 THE PEOPLE v. LEE (Not for Publication)

The judgment is affirmed.

CALLAHAN, J.

We concur: Sims, Acting P.J.
Raye, J.

C031717 THE PEOPLE v. PIERCE (Not for Publication)

The conviction for assault with a firearm (counts 7, 8 and 9) are vacated. In all other respects the judgment is affirmed. The trial court is to prepare and forward to the Department of Corrections a new abstract of judgment.

MORRISON, J.

We concur: Scotland, P.J.
Blease, J.

C031937 THE PEOPLE v. BERRY (Not for Publication)

The judgment is affirmed.

MORRISON, J.

We concur: Scotland, P.J.
Blease, J.

March 9, 2000 continued

C033258 THE PEOPLE v. MITCHELL (Not for Publication)

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We concur: RAYE, J.
Sims, Acting P.J.
Callhan, J.

The judgment is affirmed.
NICHOLSON, J.
We concur: Scotland, P.J.
Sims, J.

The judgment is affirmed.
CALLAHAN, J.
We concur: Scotland, P.J.
Davis, J.

The order awarding Porter Simon attorney fees and expenses in the amount of \$83,860 is reversed. Channel shall recover its costs on appeal. (Cal Rules of Court, rule 26(a).)

I concur: SCOTLAND,
Kolkey, J.
I respectfully dissent:
Nicholson, J.